# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	CASE NO. 20-00633 EAC
EFRAIN CARRERO VELEZ	*	CHAPTER 7
DEBTOR	*	
	*	

### OBJECTION TO CLAIM NUMBER 5 FILED BY KRIZIAMARIE PEREZ BARBER

### TO THE HONORABLE COURT:

Now comes debtor, through the undersigned attorney and very respectfully prays and states as follows:

- 1. Creditor Kriziamarie Pérez Barber has filed claim number 5 in the amount of \$9,156.02.
- 2. Said claim was paid in full by debtor on October 16, 2018. Evidence of the payment is herewith enclosed.

NOTICE: Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may-in its discretion-schedule a hearing.

Negative Certification Pursuant to Section 201(B)(4) of the Service Member's Civil Relief

Act of 2003: We declare that according to the attached certification (s), provided by the Department of Defense Manpower Data Center (DMCD), the creditor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or Air Forces of the United States of America; National Guard, the Public Health Service or the National Oceanic and Atmospheric Administration.

**WHEREFORE**, it is respectfully requested from this Honorable Court that the claim number 5 be disallowed.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY: That on January 14, 2022 we electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent electronically though the CM/ECF System to Roberto Román Valentín, Chapter 7 Trustee, U S Trustee and to Attorney Damaris Quiñones representing creditor Kriziamarie Pérez Barber through the CM/ECF System and to Kriziamarie Pérez Barber by regular mail to Calle Azucena 321, Puerto Real, Cabo Rojo, PR 00623 by regular mail.

In Mayaguez, Puerto Rico, this 14th day of January, 2022.

/s/Alberto O. Lozada Colón

Alberto O. Lozada Colón USDCPR 123811 PO Box 430 Mayaguez, PR 00681 Tel. 787-833-6323 Fax 833-7725 lozada1954@hotmail.com Case: 20,00633-EAG7 Doc#:194 Filed: 01/14/22 Entered: 01/14/22 12:44:17 Desc: Mair BANCO POPULAR Document Page 3 of 5

MC:

04/22/2021

luimos copia del documento solicitado. Para información adicional, comuníquese con Telebanco Popular, (787) --3650 ó 1(888) 724-3650. Teléfonos para audioimpedidos (TDD): (787) 753-9677 ó 1(800) 981-9666.

Enclosed you will find the document you requested. For more information please call Popular Telebank, (787) 724-3659 or 1(888) 724-3659. Telephones for hearing impaired (TDD): (787) 753-9677 or 1(800) 981-9666.

JOSE RODRIGUEZ Cabo Rojo La Hacienda Delivery Code: 477 Reference ID: 35832-22APR2021 (ADVBPTB)

THIS DOCUMENT HAS A VOID PANTOGRAPH - BORDER CONTAINS MICROPRINTING AND A TRUE WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK

### BANCO POPULAR.

PO Box 362708 San Juan, Puerto Rico 00936-2708 Suc Hormigueros

PAY: TEN THOUSAND FOUR HUNDRED TWENTY FIVE DOLLARS
AND 00/100

OFFICIAL CHECK

Check No. 103117200009668

Date: 10/16/2018

(11)**///9/2**010

Over \$25,000.00 Two Signature Required.

TO THE % KRIZIAMARIE PEREZ BARBER ORDER OF RE: CASO CIVIL ISRF201600383

Remitter: BPPR

FDIC Member and Federal Reserve System

Authorized Signature

#17200009668# #021502011# 000m010316#

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Banco Popular de P.R ->021502011<- (787)758-0484

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Results as of : Jan-14-2022 08:26:19 AM

SCRA 5.11



### Status Report Pursuant to Servicemembers Civil Relief Act

SSN:

XXX-XX-8936

Birth Date:

Last Name:

**PEREZ** 

First Name:

KRIZIAMARIE

Middle Name:

Status As Of:

Jan-14-2022

Certificate ID:

DVJWWB26G09N2NK

	On Active Duty On A	ctive Duty Status Date	
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA .	No.	NA NA

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Total Color Color	Active Duty End Date	Status	Service Component
NA	- NA -	No No	NA

Order Notification Start Date	Order Notification End Date	Status	
NIA		Olisius	Service Component
NA	NA -	No.	NA

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

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Michael V. Sorrento, Director

Department of Defense - Manpower Data Center

400 Gigling Rd.

Seaside, CA 93955

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The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: https://scra.dmdc.osd.mil/scra/#/faqs. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.